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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GILBOA PERETZ, :
Plaintiff, : **ANSWER**
v. :
ALBERTO GONZALES, Attorney General of the :
United States, MICHAEL CHERTOFF, Secretary, :
Department of Homeland Security, EMILIO :
GONZALES, Director, U.S. Citizenship and :
Immigration Services, MAURICE F. KILEY, District :
Director, NYC District, U.S. Citizenship and :
Immigration Services, JOE D. HOWERTON, Acting :
District Director, NYC District, U.S. Citizenship and :
Immigration Services, :
Defendants. :
-----x

Defendants, by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, answer the complaint on information and belief as follows:

1. This paragraph sets forth plaintiff's characterization of this action, to which no response is required.

2. The first sentence of this paragraph sets forth plaintiff's characterization of this action, to which no response is required. Admit the second, third, and fourth sentence. Deny the fifth sentence except to admit that plaintiff made a number of inquiries of the nature described. Admit the sixth and seventh sentences. The last sentence sets forth a conclusion of law, to which no response is required; to the extent a response is deemed required, deny.

3. Admit.

4. Admit.

5. This paragraph sets forth plaintiff's statement of venue, to which no response is required.

6. Admit.

7. Admit.

8. Admit.

9. Admit.

10. Admit the first sentence. The second sentence sets forth a conclusion of law, to which no response is required; to the extent a response is deemed required, deny.

11. This paragraph sets forth a conclusion of law, to which no response is required; to the extent a response is deemed required, deny.

12. This paragraph sets forth a conclusion of law, to which no response is required; to the extent a response is deemed required, deny.

13. This paragraph sets forth a conclusion of law, to which no response is required; to the extent a response is deemed required, deny.

The remaining paragraph of the complaint constitutes plaintiff's prayer for relief, to which no response is required. To the extent a response is required, defendant denies plaintiff is entitled to the relief sought.

FIRST DEFENSE

The complaint fails to state a claim upon which relief can be granted

SECOND DEFENSE

The Court lacks subject matter jurisdiction over this action.

THIRD DEFENSE

Plaintiff has failed to exhaust his administrative remedies.

FOURTH DEFENSE

Plaintiff has failed to show that he is owed any peremptory duty that defendants have refused to perform.

FIFTH DEFENSE

Mandamus will not lie against defendants to control the exercise of their administrative judgment and discretion.

SIXTH DEFENSE

Plaintiff's claims are unripe for review.

EIGHTH DEFENSE

Plaintiff is not statutorily eligible for naturalization until CIS has completed its examination of plaintiff, including an investigation into plaintiff's background by the FBI.

* * *

WHEREFORE the defendants pray that this Court enter judgment dismissing the action and award such other and further relief as the Court deems just and proper, including costs and disbursements.

Dated: New York, New York
September 10, 2007

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

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